

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:09-CR-216-FL-8**

UNITED STATES OF AMERICA)
)
 v.) MOTION FOR
) EXTENSION OF TIME TO FILE
)
 ZIYAD YAGHI,)
 Defendant.)

COMES NOW, James M. Ayers II, newly appointed counsel for Defendant Ziyad Yaghi, pursuant to the Court's Order dated July 14, 2010 [DE 479] and moves this Honorable Court for a 60 (sixty) day Extension of Time to file the following documents:

1. Defense Objections/Consent to Government Proposed Changes to Government Designated Existing Transcripts.
2. Motions re: General/SBU Discovery
3. Motions re: Foreign Depositions per Rule 15
4. Defense Designated and Proposed Changes re: Existing Transcripts

In support of this motion counsel shows unto the Court that he first appeared in this case on December 21, 2010. Counsel has diligently spent a significant amount of time attempting to organize and review the massive amounts of Discovery and information generated over the past year by the Government. Counsel has met with the Defendant, the computer expert and with Doug McCullough, previous counsel for this Defendant. Counsel attended the Status Conference in Raleigh on January 13, 2011. The interests of justice require that newly appointed counsel be allowed an additional 60 (sixty) days to respond to the above-referenced deadlines. Counsel has spoken with the Government and there is no objection to this Motion. The Government does request that any follow up dates or response time be extended contemporaneously with this Motion.

WHEREFORE, counsel for Defendant Ziyad Yaghi, respectfully requests this Court to extend the time to file documents by 60 (sixty) days.

Respectfully submitted this the 24th day of January, 2011.

/s/James M. Ayers II
Attorney for Defendant Ziyad Yaghi
Ayers & Haidt, P.A.
307 Metcalf Street
Post Office Box 1544
New Bern, North Carolina 28563
Telephone: (252) 638-2955
Facsimile: (252) 638-3293
jimayers2@embarqmail.com
State Bar No. 18085
Criminal – Appointed

CERTIFICATE OF SERVICE

This is to certify that the undersigned has personally served a copy of the forgoing document, with attachments unless otherwise noted, according to the applicable Civil Procedure Rules of this Court, to wit:

__X__ CM/ECF (U.S. District Courts; U.S. Courts of Appeal)

Date January 24, 2011

/s/James M. Ayers II
Attorney for Defendant Ziyad Yaghi
Ayers & Haidt, P.A.
307 Metcalf Street
Post Office Box 1544
New Bern, North Carolina 28563
Telephone: (252) 638-2955
Facsimile: (252) 638-3293
jimayers2@embarqmail.com
State Bar No. 18085
Criminal - Appointed

TO: John Bowler U.S. Attorney's Office 310 New Bern Ave. Suite 800 Raleigh, NC 27601-1461 john.s.bowler@usdoj.gov	Jason Harris Cowley U.S. Attorney's Office 310 New Bern Avenue Suite 800 Raleigh, NC 27601-27601 jason.cowley@usdoj.gov
R. Daniel Boyce Boyce & Isley, PLLC P.O. Box 1990 Raleigh, NC 27602-1990 dboyce@boyceisley.com	Rosemary Godwin Federal Public Defender 150 Fayetteville St. Mall Suite 450 Raleigh, NC 27601-2919 rosemary_godwin@fd.org
Debra C. Graves Federal Public Defender 150 Fayetteville St. Mall Suite 450 Raleigh, NC 27601-8005 debra_graves@fd.org	Myron T. Hill, Jr. Browning & Hill 200 E. Fourth Street Greenville, NC 27835 mhill@browning-hill.com

Jason M. Kellhofer
US Department of Justice
950 Pennsylvania Avenue NW
Room 2720
Washington, DC 20530
jason.kellhofer@usdoj.gov

Robert J. McAfee
McAfee Law, P.A.
P.O. Box 905
New Bern, NC 28563
rjm@mcafee-law.com

Joseph E. Zeszotarski, Jr
Poyner & Spruill
P.O. Box 10096
Raleigh, NC 27605
jzeszotarski@poynerspruill.com

Barbara D. Kocher
U.S. Attorney's Office
310 New Bern Avenue
Suite 800
Raleigh, NC 27601
barb.kocher@usdoj.gov

Paul K. Sun, Jr.
Ellis & Winters
PO Box 33550
Raleigh, NC 27636-3550
Paul.Sun@elliswinters.com